581 The girl's choice of a husband is undoubtedly influenced by the amount of bride-wealth that the young man is able to provide, and her relatives—father, brothers, and the *na*—will try to dissuade her from a poor marriage. Public opinion would, however, be against forcing a girl to take a repugnant partner for the sake of the cattle.

582 The provision of the bride-wealth prevents very early marriage, and men do not appear to marry under about twenty years of age.

584 After the bride-wealth has been arranged the young people go to the house of the girl's father. The latter brings a goat into the enclosure and the father of the prospective bridegroom cuts an ear from the animal and binds it to the girl's ankle, when all pray to Nyakang and possibly also to Juok. For some time before the marriage the prospective bridegroom begins to provide fish for his future parents-in-law; he will bring fish every day, and only if the catch is large will he keep any for himself. If he gets on well with his parents-in-law he may continue to do this for a long time after marriage, though he is not bound to do so.

585 The wedding feast takes place at the house of the bride's father, after the whole bride-wealth has been handed over. Much beer is prepared and if the father can afford it a bull is killed. Dancing and

591 feasting may last three days. The couple then go to live in the husband's village, where he has already built a house with the aid of

476 his friends—presumably his age mates. No marriage was celebrated

561 during our stay in the Shilluk country, but from our informants we gathered that the time of the actual consummation of marriage was

584 not a matter of great importance, and that this has usually taken place

836 before the marriage feast, which merely marks the fact that the girl leaves her father's house. We concluded that the usual practice was for intercourse to begin, if the girl was old enough, after a fair proportion of the bride-wealth had been given—one informant said seven cows, another six. The man would come to his betrothed's village and send a friend to fetch her away from her father's house, when they would spend the night in some other house in the village. The transfer of the bride-wealth might take two years or more, the first instalment consisting of two cows.

585 Hofmayr describes a ceremony when the concluding ox of the bride-wealth is handed over. The ox is decorated, and the bridegroom and the young people of both sexes from his village accompany it to the bride's village. Here a mock battle takes place and the bride's friends eventually seize the ox. The bridegroom and his companions

3:Westermann E-5 (1910) 1912 FJ23 Shilluk FJ23

III. FAMILY LIFE.

When a young man wants to marry, he himself asks the girl he has selected; if she assents, she directs her lover to her parents and the old people of the village; if these also do not object, they ask him to bring the dowry, which consists of cattle. From four to six head of oxen and one milch cow is the ordinary price for a woman, besides a number of sheep and goats. But the whole of this dowry is in most cases not paid to the father-in-law at once, before the marriage takes place. One ox is paid to the elders of the village when they arrange the marriage business, one or more at the celebration of the marriage, another when the first child is born. The ox which is slaughtered at the marriage festival is driven to the village of the bride by all the young men of the bridegroom's village. They decorate this ox by tying tassels of cows' tails on the top of the horns. In case the horns have not a good shape for tying these tassels, they are pierced and the tassels are fastened in the holes. A young man in buying an ox is always particular about the shape of the horns for this reason. On the marriage festival vide page 109. — A man cannot reach a social position without being married, and he cannot get a wife without cattle; so every young Shilluk's highest ambition consists in procuring cattle in order to buy a wife. But, as already mentioned, they usually marry before the full dowry is paid, and in such a case the debts of the young husband may become the source of quarrels between husband and wife, and still more between husband and father-in-law. As long as the price is not paid, the father has a legal right to take his daughter back from her husband; but this, though often threatened, is seldom done. Those who have sufficient means will as a rule not be satisfied with one wife, but marry a second and a third; only a very few exceed this number.

MARRIAGE

A young man may not marry a girl from his own division or clan, (vide page 127 ff.) but from any other division; the girl may live in the same village or in any other village, but they prefer to marry in a distant village. These marriage laws are a well established tribal custom, and people fear to break them, lest death follow marriage.

The position of the woman is no doubt a higher one than with most Mohammedan peoples of the Sudan. She is generally well treated and is shown remarkable respect. The women sometimes take part in public assemblies with the men, discuss the affairs that interest them and partake in dances and religious ceremonies. Even in their war-dances the women play an active *rôle*, vide page XXXIX. — If refractory or lazy, the man may give his wife a thrasing with a rope.

POSITION OF WOMEN

8:Howell E-4.8 (1937, 1948) 1953 FJ23 Shilluk FJ23

tant among the Nuer and Dinka, does not usually arise. The Shilluk seem to attach greater significance to physical paternity than do other Nilotes and the *okijo* male will usually be linked to the name of his *genitor*, even though this carries with it no legal rights. In the case of males there is often a tendency on the part of the maternal uncle or his heirs to deny to the *okijo* rights of inheritance or full participation in the reciprocal privileges of the lineage, so that his status is sometimes precarious and indeterminate.

Unlike the Nuer and Dinka, the Shilluk have no 'Ghost-Marriage'.[1] It is not stated as a fundamental obligation of kinship that a wife should be 'married to the name' of a dead kinsman, though the sentiment which dictates the custom among the Nuer and Dinka is not absent among the Shilluk. In this sense the Nuer and Dinka system is perhaps more individual than that of the Shilluk. Among the Shilluk continuity of the kinship group, not of the individual, is assured by normal legal marriage with cattle which might well have been used by the deceased for this purpose, but are not transferred in his name. Names are retained, however, by a belief in reincarnation. It is believed that the spirit of some ancestor appears in the new-born child which is then named after the ancestor. At the birth of every child a ceremony is performed, usually with the assistance of a *bay reth* who specializes in such matters, to determine this. The participants will ask, '*men akal yi min*?—'This one is brought by whom?' This accounts for the repetition of names in Shilluk genealogies, irrespective of sex, since there is no reason why the spirit of a female ancestor should not enter a male child or vice versa.

As will be seen later, a man who seduces a girl, if she subsequently gives birth to a child, cannot assume legal parenthood of his offspring except by marrying the mother and then only if at least some of the bridewealth cattle have been transferred, and the initial processes of marriage performed before the child is born. Theoretically, at least, children born out of wedlock cannot be legitimized and must therefore remain *okijo*. This does not apply if the father is betrothed to the girl at the time, provided that he eventually completes the marriage payments. It often happens, however, that a child born in these circumstances is adopted by the man who subsequently marries the mother, and marriage in these conditions usually brings with it legal parenthood of children born out of wedlock.

Violation of Rights in Women

Seduction of Unmarried or Betrothed Girls and Adultery

The seduction of unmarried girls is accounted a serious wrong among the Shilluk and one which demands compensation. The wrong is referred to as *kwor kweb nien ajur* and compensation is assessed, both currently and traditionally, at one ox. Pumphrey remarks that,

> . . . an original seduction often eventuates in marriage, in which case the seduction payment is payable first and the marriage payment after (and over and above it). In such cases also marriage dates from the acceptance of the sheep and it is improbable that the girl's family will accept it until the seduction payment is completed.[2]

[1] See Evans-Pritchard: 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für Vergleichende Rechtswissenschaft*, 1938 and Rhodes-Livingstone Inst. 1945.

[2] Pumphrey: unpublished records.

After a boy has danced for a year or two, he may dance with a married woman who has no children. After another lapse of time he is eligible to dance with the mother of one child, and so on until he is eligible to dance with any woman. A man never dances with his own wife. Often the girl who first dances with a boy is in love with him, and sometimes they later get married. Such marriages are usually happy. If a young man is not asked by a girl to dance with her within two or three years of his initiation, it is not likely that any girl will ask him to dance with her, as the other girls would ridicule her for dancing with an unpopular man. Such a man usually experiences difficulty in getting a wife, as no woman wants to marry a man who is unpopular with the women. The mother of the young man who has been asked to dance prepares a feast for the girl who asked him to dance, and sometimes the girl prepares a return feast for the young man and some of his friends. Many an old man speaks with great respect of the girl who first asked him to dance. When a man is dancing with a woman he calls her (cīgā) " my wife."

If a boy makes unseemly haste to call on the young ladies after his initiation, his father is angry, and says, " Is your reason for dancing to get the right to call on the women ? "

After a boy has danced he takes a second name. He may choose his own name, often from something he has done, or from a cow he has bought. If he cannot think of a suitable name he may ask his friends for suggestions. In some cases an older man may go to him and say, " Do you have a name ? " If he replies in the negative, the man may make a suggestion. The boy does not announce his name to his parents. They may hear his young friends call him by his new name, and they ask, " Is that his name now ? "

If a man dies leaving only a small son who has not danced, they say, " His property is on the ground (jumę̱ ya pi̱ñ). Later when the boy has danced, they say his property has been inherited (alukę̱).

People who are of the same age are called (tiji̱ñ ayaj). They are expected to help each other.

The girls may dance when they are very small, but they must wear a sheep-skin. Later, when the girl is larger, and her breasts begin to develop (ti̱nę̱ atwj) she wears a calf-skin, which is supplied her by her father. If she has no father or close male relative to get her a calf-skin, she will wear the sheep-skin until she is married, and then her husband

17: Pumphrey G-5 (1934-1938) 1941
FJ23 Shilluk FJ23

that under which the deceased held them. For example if a man dies leaving four sons, two married and two unmarried, the two unmarried sons will join the *gol* of their eldest married brother, who thereupon becomes to them *in loco parentis* and their *gol* leader. With this addition to his *gol* the eldest married brother will take also the cattle which used to belong to the deceased, his father, but he will hold them "on trust" for the marriage of these two brothers. 428 592

THE MARRIAGE TIE.

Marriage marks the assumption of personal responsibility, signified outwardly by the acquisition of a homestead. A man wishes to marry as many wives as he can because, although a man with one wife is a full member of society, he who has three or four (more being unusual outside the *Kwar Reth*), is a man of substance and power. This is because his *gol* will become large and powerful and in a position to dominate in its locality. Where an appeal to the spear is an ever present possibility there is definite strength in numbers. There is no place in society for batchelors or spinsters of mature age, and in fact with the exception of *Reth's* daughters and the mentally deficient they hardly exist. Women outnumber men, so that polygyny is reasonable and almost necessary. 581 [595] [589] [162]

The marriage tie creates an obligation to pay cattle, but it is not created by or dependent upon such payment. To render a union a marriage only two things are essential. First there must be no positive barrier, (such as known consanguinity between the parties, whether through male or female lines of descent) and secondly there must be an offer and an acceptance. The offer and acceptance are symbolised by the man offering to the women's *gol* a sheep (*dyel dhok*). Acceptance of this sheep signifies acceptance of the suitor. The marriage is then complete. There follows the beer brewing (*tiang mogho*) and a wedding dance which is held in the woman's village and which serves the important purpose of fixing the marriage in the minds of the public. The completion of the cattle payments (*kany*) may be delayed over a period of years, and until they are complete the woman usually continues to live in her own homestead where her husband may visit 585 [582] [583] 182 583 591

17: Pumphrey G-5 (1934-1938) 1941
FJ23 Shilluk FJ23

only in the one case already described does he receive anything ; *i.e.*, when he claims from the bride wealth of his niece such cattle as are in arrears from the marriage of his sister. Where such arrears are claimed they are a first charge upon the new cattle payments.[33] 583

ORA.

A man will describe as *Ora* not only all his wife's kinsmen but also, strictly speaking, all kinsmen of the wives of all his own kinsmen. Obviously, if strictly thus interpreted, *ora* would embrace a very large group indeed. But the word has two senses. In its wider sense it does embrace a very large group, though as will be seen later the extent of the group embraced is limited by a not too rigorous interpretation of the word "kinsmen." In this wider sense it has a significance in the various sex taboos such as *dwalo* which will be considered later. For the moment consideration of this wider sense will be postponed to a consideration of the *ora* tie in its narrower sense of the tie which unites a husband to the *gol* of his wife. 607

Throughout the earlier years of the marriage members of the husband's *gol* have to pay special reverence[34] to the *gol* of his wife. The reason for this, as for so many marriage customs, is the recognised necessity of avoiding all possible causes of friction during what may be called the period of tension. This tension is the product of a definite inequilibrium. The husband's *gol* are acutely aware of having paid ten head of cattle as pledge for the as yet uncertain good behaviour of the wife. As the wife produces children she pays off, so to speak, the marriage cattle at the rate of five head of cattle for each daughter and two for each son until, when she has produced two daughters or five sons (or an arithmetically suitable combination of the sexes), the tension is resolved. Thereafter no law suit would follow the breach of the marriage since it would be considered that the husband's *gol* had got their "money's worth." During the period of tension the 581 607 607

33. An example may clarify this. X has been married by A who has paid 6 head of cattle only. Y is the brother of X. X has, by A, a daughter, Z, who is married by P. The bride wealth paid by P all goes to A, but A must pay 4 head of cattle to Y, because these are due in arrears to Y from the marriage of X. Y is of course the maternal uncle of Z.

34. *W'aw.*

29:Dempsey M-5 (1940-1954) 1955
FJ23 Shilluk FJ23

644 [608] born there is brought up in that village under the tutelage of the chief. If the child is a boy he is brought up in much the same manner as other boys of the village but it is not forgotten that he is a Nyireth, and consequently a potential king. He is given a herd of cattle, and on reaching manhood is expected to found his own village, also at a distance from [669] Fashoda, for the fear of assassination is always present to the reth, and hence it is ever the royal policy to keep all the princes as far distant from Fashoda as possible.

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• 581 583 Marriage is an important affair, not only for those directly concerned, but for the whole community, for among the Shilluk it has many economic implications arising chiefly from the condition of the dowry or bride-price, almost universal throughout Africa. When the Shilluk youth, decorated 584 in his best, goes a-wooing, if the lady of his choice accepts the heart and fortune which he casts at her feet and coyly says yes, she is sure to say that he must 'see father first'. I presume that an English youth in similar happy circumstances would address his prospective father-in-law thus: 'Sir, I wish to marry your daughter. She has done me the honour of promising to be my wife,' and with a brief discussion of present security and future prospects, the matter would be quickly settled. Not so does the Shilluk bridegroom-to-be approach his future in-laws; he does not appear in person, but sends one or two friends to negotiate the marriage for him. Nor must the ambassador come empty-handed, but must bring the traditional gifts as befitting the occasion; spears, hoes, tobacco and firewood for the father and mother of the girl and, as the negotiations proceed, upwards of seven sheep which become the property of her brother or cousins, and finally, and most important of all, the cattle.

583 The bride-price of ten or more head of cattle is an essential condition for every Shilluk marriage. It may be paid in instalments and indeed generally is, and its payment usually extends over several years, but there can can be no question of the young couple living together as husband and wife

29:Dempsey M-5 (1940-1954) 1955
FJ23 Shilluk FJ23

586 she would be ignominiously bundled off home. The husband, like an indignant customer who has made an unsatisfactory purchase, would demand his dowry back. The girl's family would strenuously resist the claim and a long and [578] acrimonious dispute would follow. The husband might attempt to recover his cattle by force, and eventually the [592] case would be settled by the Reth's court; a compromise would be reached, judgment would be given for the plaintiff, but one or two cows would remain with the girl's family, and so would the unfortunate girl herself. Similarly, should the young bride die childless, the contract is deemed not to have been fulfilled, and the husband will demand that the bride wealth be returned to him. If the lady, faithless jade, should leave her lawful spouse for another man, the outraged husband does not leap up in righteous anger, seize his spear, pursue the erring couple and demand satisfaction of the seducer of his wife's affections, but he does make a bee-line for his father-in-law's kraal, and in the height of his wrath will demand not only the cattle, but also the sheep, spears and hoes and all the other little trinkets and knick-knacks with which he won the family's good graces during time of courtship. Father, anxious to keep the peace and the cattle, [587] may offer his irate son-in-law another charming daughter, if he has one handy, as a substitute for the fickle one. But if such a useful article as a second daughter of marriageable age is lacking, or the husband, feeling that his matrimonial adventures in that particular family have gone far enough, should refuse the hand of the second lady, then father with a sigh will have to set about the difficult task of making his reluctant relatives give up their respective shares of the dowry and, at the same time, the equally difficult task of getting another dowry from his new son-in-law.

797 In Detwok a boy was being examined in the Catechism
• 58 prior to his baptism. The subject under discussion was the Sacraments and their division into those which may be received only once and those which may be repeated. All went well until the subject of Matrimony was reached. 'How often can a person receive the Sacrament of Matri-

29:Dempsey M-S (1940-1954) 1955
FJ23 Shilluk FJ23

many?' asked the priest. 'Once,' promptly answered the catechumen, and then cautiously amended his answer, 'perhaps twice.' 'Oh,' said the Father, 'why only twice?' 'If a man marries and his wife dies, he can marry again, can't he?' 'Ye-es,' conceded the boy, 'he can marry again.' 'And if that second wife dies,' continued the Father, 'can't he marry a third time?' 'No,' said the boy. 'Why not?' 'Because he has no cows left' was the triumphant and conclusive reply. And that fairly well sums up the Shilluk's attitude towards matrimony. In common with the rest of his African brethren he is by inclination polygamous. In Africa nothing adds more to one's prestige than a multiplicity of wives. Fortunately, however, from our—the Catholic missionaries'—standpoint the tribe as a whole is of necessity monogamous. Except in the case of wealthy chiefs or fathers who rejoice in a quiverful of daughters to bring cattle into the family byre and no sons to take them out, the people generally are too poor to be able to scrape together the necessary cattle to provide for a second wife.

When a man dies his wife is not thereby released from her matrimonial obligations and free either to re-marry or to remain a widow. She is, as has been said, something that has been bought and paid for, part of the dead man's property, and is inherited together with the rest of his effects. If she is not the mother of the deceased's eldest son he will claim her, or if she is his mother or there is no son, or none old enough to marry, she will be taken by her brother-in-law or some other member of her husband's family. She belongs to that family and must remain in it to fulfil her duties as a wife and a mother to some member of it. If it so happened that there were no relative, no matter how remote, of her husband who could inherit her, then she might marry again outside it, but only on condition that a dowry is forthcoming to compensate her husband's family.

* * *

A death among the Shilluk is the signal for an outburst of wailing on the part of the women. It is a high, shrill, screaming